

## **REMARKS**

Applicants reply to the Office Action dated November 19, 2009 within the three month shortened statutory period for Reply. The Examiner rejects all pending claims. Support for the amended claims may be found in the originally-filed specification, figures and claims. Applicants respectfully request reconsideration in view of the above amendments and the following remarks.

### **Claim Rejections under 35 U.S.C. § 112, first paragraph**

#### *Claims 1-6 and 10-22*

In the August 18, 2009 Office Action, the Examiner rejected claims 1-6 and 10-22 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants amended the claims in the previous Reply and provided supporting argument.

The Examiner makes no reference to the status of this rejection in the outstanding Office Action. Thus, Applicants interpret this as withdrawal of the rejection and thank the Examiner for the same. If the Examiner has maintained the rejection, Applicants reassert that the present claims are directed to statutory subject matter under present law and request that the rejection be withdrawn.

### **Claim Rejections under 35 U.S.C. § 112, second paragraph**

#### *Claims 1-6 and 10-22*

In the August 18, 2009 Office Action, the Examiner rejected claims 1-6 and 10-22 under 35 U.S.C. § 112, second paragraph, as failing to failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants amended the claims in the previous Reply and provided supporting argument.

The Examiner makes no reference to the status of this rejection in the outstanding Office Action. Thus, Applicants interpret this as withdrawal of the rejection and thank the Examiner for the same. If the Examiner has maintained the rejection, Applicants reassert that the present claims are directed to statutory subject matter under present law and request that the rejection be withdrawn.

### **Claim Rejections under 35 U.S.C. § 103**

#### *Claims 1, 4, 10, 13-16 and 19*

The Examiner rejects claims 1, 4, 10, 13-16 and 19 as unpatentable under 35 U.S.C. § 103(a) over U.S. Patent Publication 2003/0120526 by Altman et al. (“Altman”), in view of U.S. Patent No. 6,023,679 to Acebo et al. (“Acebo”), WIPO publication WO 02/29672 by Rosenbluth International (“Rosenbluth”), U.S. Patent No. 5,948,040 to Delorme et al. (“Delorme”). Applicants respectfully disagree with these rejections, but Applicants amend certain claims in order to clarify the patentable aspects of the claims and to expedite prosecution.

On page 19 of the outstanding Office Action, the Examiner asserts that:

In response to the applicant's argument that, “printed matter” is not implicated in the present claims. Accordingly Applicants submit that the Examiner reconsider, at least, the claimed data structures," the Examiner respectfully disagrees. MPEP 2106.01 states that "Nonfunctional descriptive material" includes but is not limited to music, literary works, and a compilation or mere arrangement of data. For example claim 1, recites a "database configured to store information", which does not provide any functional relationship between the data and the structure of the system itself. This is considered to be a mere collection of data since it does not change or alter the structure of the system or even how the system operates in anyway. Therefore the rejection is maintained.

As discussed in prior Replies, data structures impose a physical organization on data and, therefore, are not “descriptive material.” See *In Re Lowry*, 32 F.3d. 1579, 1583. The Federal Circuit, in the *In Re Lowry* opinion, found that, “Lowry's data structures are physical entities that provide increased efficiency in computer operation...[t]hey are not analogous to printed matter...[t]he Board is not at liberty to ignore such limitations.” *Id* at 1584. In addition, “[w]hen functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.” MPEP § 2106.01

Here, claimed data structures both structurally and functionally interrelate to a portion of the other claimed structures. For example, claim 1 includes, at least, “wherein the **point of service terminal** is configured to dynamically select a travel service supplier by **routing** in real time, via the technology provider, a travel request to a **particular data distribution system** in the plurality of data distribution systems **based upon** a comparison of the **past travel information and the negotiated contractual terms** such that the fulfillment of the travel request complies with the negotiated contractual terms.” [emphasis added]. While data structure(s) embody the data relating to “past travel information and the negotiated contractual

terms” such data structure(s) control the routing. Thus, there is a nexus of the claimed data structure and the interaction between other components of the system. Accordingly, Applicants submit that the Examiner reconsider, at least, the claimed data structures and their interrelation with other claimed structures.

With regard to the cited references, Altman, Acebo, Rosenbluth, and Delorme are discussed in previous replies. Altman generally discloses a system for booking travel arrangements. See Abstract. Altman’s system includes trip expense approval and a booking function. See paragraphs [0011]-[0015]. Altman’s system may retain, “past travel history.” See paragraph [0034]. Further Altman discloses the use of a “preferred carrier.” See paragraph [0070].

The Examiner argues that Altman, at paragraphs [0034], [0070], and [0076], “disclose that the user's preferences are stored in the system and that these preferences are used to conduct searches and submit requests and that the negotiated terms are check for compliance before the reservation is allowed to go through.” Applicants respectfully disagree. Paragraph [0076] of Altman discloses that:

If the user proceeds, process 600 proceeds to 620, where the user is required to enter a reason for the out-of-policy choice, and the user's manager is informed. In 625, it is determined if the user's manager approves the out-of-policy choice. If yes, the manager does approve, the booking is finalized by the workflow management program 110 in 630. If no, the manager does not approve, the reservation or sale is canceled by the workflow management program 110 in 635.

Thus, Altman discloses the intervention of a manager to approve a travel requisition. Altman (in paragraph [0034]) discloses only a static “preferred” vendor, and does not disclose or contemplate that the “preferred” vendor may change dynamically. In contrast, Applicants’ claim 1 includes, at least, “wherein the **point of service terminal** is configured to **dynamically select** a travel service supplier by routing **in real time**, via the technology provider, a travel request to a **particular** data distribution system in the plurality of data distribution systems based upon a comparison of the past travel information and the negotiated contractual terms such that the fulfillment of the travel request complies with the negotiated contractual terms,” as similarly recited in present claims 4 and 10. [emphasis added]. Accordingly, Applicants presently claim “routing...to a particular data distribution system,” that is a particular data distribution system selected based upon assessment of certain data. At least this feature is not disclosed or

contemplated by Altman, Acebo, Rosenbluth, Delorme, and combination thereof. Accordingly, Applicants respectfully request that the rejection of claims 1, 4 and 10 be withdrawn.

Dependent claims 13-16 and 19 variously depend from independent claims 1, 4 and 10, so Applicants assert that dependent claims 13-16 and 19 are patentable for at least the same reasons for differentiating independent claims 1, 4, and 10 as well as in view of their own respective features. Accordingly, Applicants respectfully request that this rejection be withdrawn.

*Claims 2-3, 5-6 and 11-12*

The Examiner rejects claims 2-3, 5-6 and 11-12 as unpatentable under 35 U.S.C. § 103(a) over Altman, Acebo, Rosenbluth, Delorme, and U.S. Patent Publication 2001/0049693 by Pratt et al. ("Pratt"). Applicants respectfully disagree with these rejections, but Applicants amend the claims in order to clarify the patentable aspects of the claims and to expedite prosecution.

Altman, Acebo, Rosenbluth, Delorme are discussed above. Pratt discloses an automated data processing system using relational database technology. The disclosures and contemplations of Pratt do not cure the deficiencies of Altman, Acebo, Rosenbluth, Delorme. Moreover, dependent claims 2-3, 5-6 and 11-12 variously depend from independent claims 1, 4, and 10, so Applicants assert that dependent claims 2-3, 5-6 and 11-12 are patentable for at least the same reasons for differentiating independent claims 1, 4 and 10, as well as in view of their own respective features. Accordingly, Applicants respectfully request that this rejection be withdrawn.

*Claim 17*

The Examiner rejects claim 17 as unpatentable under 35 U.S.C. § 103(a) over Altman, Acebo, Rosenbluth, Delorme, and Russell Straayer: "Overview of Frame Relay" (March 1997)("Straayer"). Applicants respectfully disagree with these rejections, but Applicants amend the claims in order to clarify the patentable aspects of the claims and to expedite prosecution.

Altman, Acebo, Rosenbluth, and Delorme are discussed above. Straayer discloses frame relay systems. The disclosures and contemplations of Straayer do not cure the deficiencies of Altman, Acebo, Rosenbluth, and Delorme. Moreover, dependent claim 17 variously depends from independent claims 1, and Applicants thus assert that dependent claim 17 is patentable for at least the same reasons for differentiating independent claims 1, as well as in view of its own respective features. Accordingly, Applicants respectfully request that this rejection be withdrawn.

*Claim 18*

The Examiner rejects claim 18 as unpatentable under 35 U.S.C. § 103(a) over Altman, Acebo, Rosenbluth, Delorme, Straayer, and Techfest: "Asynchronous Transfer Mode Overview" (August 17, 2000) ("Techfest"). Applicants respectfully disagree with these rejections, but Applicants amend the claims in order to clarify the patentable aspects of the claims and to expedite prosecution.

Altman, Acebo, Rosenbluth, Delorme, and Straayer are discussed above. Techfest discloses asynchronous transfer modes. The disclosures and contemplations of Techfest do not cure the deficiencies of Altman, Acebo, Rosenbluth, Delorme, and Straayer. Moreover, dependent claim 18 variously depends from independent claims 1, and Applicants thus assert that dependent claim 18 is patentable for at least the same reasons for differentiating independent claims 1, as well as in view of its own respective features. Accordingly, Applicants respectfully request that this rejection be withdrawn.

**CONCLUSION**

In view of the foregoing, Applicants respectfully submit that all of the pending claims are allowable over the cited references. Reconsideration of the application is respectfully requested. Should the Examiner wish to discuss any of the above in greater detail or deem that further amendments should be made to improve the form of the claims, the Examiner is invited to contact the undersigned at the Examiner's convenience. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814, including any required extension fees.

**This statement does not authorize charge of the Issue Fee.**

Respectfully submitted,

Dated: 2/17/10

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